

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on April 24, 2001, and the references cited therewith.

Claims 1, 9, 15, 16, 21, 25, 28, 32, 35, 36, 39, 40, 43 and 44 are amended. Claims 7, 14, 20, 26, 27, 33, 34, 37, 38, 41 and 42 are cancelled without prejudice as the subject matter thereof has been incorporated into the claims upon which they were dependent. As a result, claims 1-6, 9-13, 15-19, 21-23, 25, 28-32, 35-36, and 39-40 and 43-45 are now pending in this application.

§103 Rejection of the Claims

Claims 1-5, 7, 9-23, 25-27, 29-30, 32-34, 36-38 and 40-42 were rejected under 35 USC § 103(a) as being unpatentable over Young (U.S. Patent No. 5,353,121) in view of Ohga (U.S. Patent No. 5,465,385). Claim 6 was rejected under 35 USC § 103(a) as being unpatentable over Young and Ohga, in view of Yoshinobu (U.S. Patent No. 5,686,954). Claims 28, 35, 39 and 43 were rejected under 35 USC § 103(a) as being unpatentable over Young and Ohga, in view of Lajoie (U.S. Patent No. 5,850,218). Claim 44 was rejected under 35 USC § 103(a) as being unpatentable over Young and Ohga as applied to claim 7, and further in view of Klosterman (U.S. Patent No. 5,550,576).

Applicant notes the Interview Summary of the August 30, 2001 interview between the undersigned and Examiner Brown, which notes that claim 7 patentably distinguishes over Young and Ohga. Applicant has incorporated the element set forth in claim 7 into independent claims 1, 9, 15, 16, 21, 25, 32, 36, and 40. Applicant has cancelled claim 7 and claims 14, 20, 26, 27, 33, 34, 37, 38, 41 and 42 (incorporating elements of claim 7) without prejudice as the subject matter thereof has been incorporated into claims from which they formerly depended.

Applicant respectfully submits that the foregoing amendments remove the basis for the stated rejections, all of which are based on the combination of Young and Ohga.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Serial Number: 09/002,584

Filing Date: January 5, 1998

Title: SYSTEM FOR SCHEDULED CACHING OF IN-BAND DATA SERVICES

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Dkt: 450.222US1

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612- 371-2148) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-0439.

Respectfully submitted,

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By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 24 day of September, 2001.

Name Candis B. Buending

Signature 